

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JAN 19 2021

U.S. DISTRICT COURT
ELKINS WV 26241

STEVEN CRAIG WHYTE

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Civil Action No.: 3:21cv9
(To be assigned by the Clerk of Court)

OFFICERS R. SKINNER, D.

MCINTYRE, HUNT, STICKNEY,

LT. BARBER, LT. BARRIENTOS,

LT. ABDELLAZ, A. MOYERS

Enter above the full name of defendant(s) in this action

Groh
Trumble
Sims

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Steven Craig Whyte Inmate No.: 21387-040
Address: U.S.P. LEE, P.O. BOX 305,
Jonesville, VA 24263

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: R. Skinner
 Position: Federal Correction Officer
 Place of Employment: U.S.P. Hazelton
 Address: P.O. Box 2000, Bruceston
Mills, West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He was working
as a federal officer

B.1 Name of Defendant: D. McIntyre
 Position: Federal Correction Officer
 Place of Employment: U.S.P. Hazelton
 Address: U.S.P. Hazelton, P.O. Box 2000, Bruceston
Mills, West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He was working
as a federal officer

B.2 Name of Defendant: Hunt
 Position: Federal Correction Officer
 Place of Employment: U.S.P. Hazelton
 Address: U.S.P. Hazelton, P.O. Box 2000,
Bruceston Mills, West Virginia 26525
 Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: He was working
as a Federal officer

B.3 Name of Defendant: Officer Stickney
Position: Federal Correction Officer
Place of Employment: U.S.P. Hazelton
Address: U.S.P. Hazelton, P.O. Box 2000, Bruceton
Mills, West Virginia 26525

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He was employed
as a Federal officer

B.4 Name of Defendant: Lieutenant Barber
Position: Lieutenant at U.S.P. Hazelton
Place of Employment: U.S.P. Hazelton
Address: U.S.P. Hazelton, P.O. Box 2000, Bruceton
Mills, West Virginia 26525

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He was employed
as an Federal officer

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B.5 Name of Defendant: Lieutenant Barrientos
 Position: Lieutenant
 Place of Employment: U.S.P. Hazelton
 Address: U.S.P. Hazelton, P.O. Box 2000,
Bruceston Mills, West Virginia 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: he was employed
as a federal employee at the time

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: U.S.P. LEE

- A. Is this where the events concerning your complaint took place?
☐ Yes ☒ No

If you answered "NO," where did the events occur?

U.S.P. Hazelton

- B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No
- C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☒ Yes ☐ No

- D. If your answer is "NO," explain why not: _____

- E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 Appeal to mid-Atlantic Region (BP-9)
LEVEL 2 Appeal to Central office (BP-10)
LEVEL 3 SEE ATTACHED

IV. **PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____

C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?

☐ Yes ☐ No

D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

E. Did you exhaust available administrative remedies?

☐ Yes ☐ No

F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

_____3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: Excessive use of force

Supporting Facts: Please SEE ATTACHMENT

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CLAIM 2: Sexual Assault

Supporting Facts: PLEASE SEE ATTACHMENT

CLAIM 3: DENIAL OF DUE PROCESS

Supporting Facts: PLEASE SEE ATTACHMENT

CLAIM 4: _____

Supporting Facts: _____

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CLAIM 5: _____

Supporting Facts: _____

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Physically injured from the excessive use of force and sexual assault, as well as emotionally injured and traumatized. Also physical and emotional injuries from failure of defendant to provide adequate medical care (PLEASE SEE ATTACH)

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. *Make no legal arguments. Cite no cases or statutes.*

- 1) Issue an injunction ordering the expulsion of the disciplinary conviction described in this Complaint
- 2) Award compensatory and punitive damages to Plaintiff in the sum of \$1,000,000 (SEE ATTACH)

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at U.S.P. LEE on 1-12-2021.
(Location) (Date)

Steve Whyte
Your Signature

Attachment E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

STEVEN CRAIG WHYTE
Your full name

v.

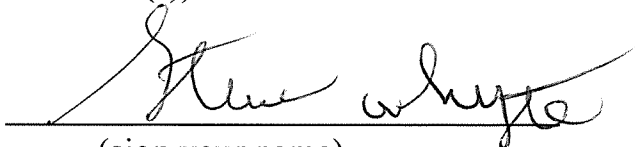
Civil Action No.: 3:21cv9

Officers R. Skinner, D.
McIntyre, Hunt, Stickney,
LT. Barber, LT. Barrientas,
LT. Abdellaz, A. Moyers
Enter above the full name of defendant(s) in this action

Certificate of Service

I, Steven Craig Whyte (your name here), appearing *pro se*, hereby certify
that I have served the foregoing Bivers Action (title of
document being sent) upon the defendant(s) by depositing true copies of the same in the
United States mail, postage prepaid, upon the following counsel of record for the
defendant(s) on 1-12-2021 (insert date here):

(List name and address of counsel for defendant(s))


(sign your name)